

AN ORDINANCE TO AMEND CHAPTER 5 OF THE
CODE OF ORDINANCES SO AS TO PROHIBIT THE
ROADSIDE SALE OF ANIMALS

WHEREAS, the roadside sale of animals, particularly dogs, poses not only traffic risks but other potential hazards that could affect the safety and well-being of the entire population; and

WHEREAS, the Memphis Animal Shelter euthanizes over 13,000 animals annually as a result of pet overpopulation and the roadside sale of animals is a likely contributor to this problem; and

WHEREAS, the roadside sale of animals, poses potential health hazards as many of the animals have not been registered, vaccinated, spayed or neutered, or undergone health screenings to identify diseases that can infect other animals or humans.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That Chapter 5, is hereby amended to add a new Section to read as follows:

Sec. 5-15 Roadside sale of animals prohibited.

(a) It shall be unlawful for any person, firm or corporation, to attempt to sell, exchange, trade, barter, lease, rent, donate or display for a commercial purpose any animal on any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized.

(b) This section shall not apply to any city animal shelter or non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals or any dealer licensed to sell at a flea market pursuant to Tenn. Code Ann. Section 44-17-101 *et.seq.*

(c) This section shall not be construed to prohibit the sale of certain animals by those engaged in the business of selling the same for consumption and who have obtained the appropriate licenses or permits to conduct such activity.

(d) This section shall not be construed to prohibit a properly licensed for-profit store from selling or donating any animals on the walkway or parking lot immediately adjacent to such store's physical address.

(e) The sale, exchange, trade, barter, lease, rent, donation or display for a commercial purpose of each animal in violation of Section 5-15 shall constitute a separate violation and be punishable by fine up to fifty dollars (\$50.00) in accordance with Section 5-73.

(f) Once a citation has been issued for a violation of this section, the violator must immediately discontinue the activity.

SECTION 2. BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Jim Strickland, Council member

Myron Lowery, Chairman